

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DR. EARL JANN AND CAROL ISACSON)	
)	
Plaintiffs,)	
)	
v.)	No. 07-CV-6595
)	
MATTHEW D. SAMPLE, J. DAVID)	Honorable Judge Ronald A. Guzman
CROSS, and SAMPLE & CROSS CAPITAL)	
MANAGEMENT, LLC,)	Magistrate Judge Nan R. Nolan
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR LEAVE TO FILE THEIR
AMENDED COMPLAINT INSTANTER**

Plaintiffs, Dr. Earl Jann and Carol Isacson, by and through their attorneys, O'Rourke Katten & Moody, hereby request leave to file the attached Amend Complaint instanter, and in support thereof state as follows:

1. The Court has set a deadline of May 15, 2008 for the parties to amend their pleadings and join any additional parties to this action.
2. The plaintiffs request leave to file the attached Amended Complaint.
3. The plaintiffs have added one additional count based on the facts previously plead. The Amended Complaint includes a count for violation of the Illinois Securities Act of 1953.
4. Leave to amend pleadings "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). The Court's primary consideration in interpreting Rule 15 is whether there is undue prejudice to the opposing party in permitting amendment. Owen v. Mark Twain Boat Co., 1990 U.S. Dist. LEXIS 5429, * 6 (N.D. Ill. 1990). In granting leave to amend the court may consider the fact that the subject litigation recently commenced. G.D. Searle & Co. v. Forest

Labs, Inc., 1999 U.S. Dist. LEXIS 1027, * 5-6 (N.D. Ill. 1999)(court permitted amendment where litigation was in early stages and oral discovery had not yet commenced).

5. This motion is brought in the interests of justice and not for any improper purpose.

6. Defendants will not suffer any prejudice if the Court grants this motion.

Wherefore, the Plaintiff respectfully request leave to file their Amended Complaint instanter.

Respectfully submitted,

EARL JANN and CAROL ISACSON,

/s/ Mitchell B. Katten
One of their Attorneys

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